

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD E. POWELL, ROBERT O'TOOLE, ROBERT WILSON, BRIAN JORDAN, DONALD G. SHAPER, and WILLIAM R. SEEHAFER, as Trustees and on behalf of The United Food & Commercial Workers Unions & Employers Midwest Pension Fund,

Plaintiffs,

vs.

OCWEN FINANCIAL CORPORATION; OCWEN LOAN SERVICING LLC; OCWEN MORTGAGE SERVICING, INC.; ALTISOURCE PORTFOLIO SOLUTIONS, S.A.; ALTISOURCE SOLUTIONS, INC.; ALTISOURCE RESIDENTIAL CORPORATION; ALTISOURCE ASSETS MANAGEMENT CORPORATION; REALHOME SERVICES AND SOLUTIONS INC.; ALTISOURCE ONLINE AUCTIONS, INC.; ASSURANT, INC.; STANDARD GUARANTY INSURANCE COMPANY; AMERICAN SECURITY INSURANCE COMPANY; VOYAGER INDEMNITY INSURANCE COMPANY; AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA; SOUTHWEST BUSINESS CORPORATION; CROSS COUNTRY HOME SERVICES, INC.; HOMESURE OF AMERICA, INC.; HOMESURE SERVICES, INC; HOMESURE PROTECTION OF VIRGINIA, INC.; and WELLS FARGO BANK, N.A,

No. 18-cv-1951 (VSB)

Defendants.

DECLARATION OF HOWARD F. SIDMAN IN SUPPORT OF DEFENDANT WELLS FARGO BANK, N.A.'S RULE 12(B)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

I, Howard F. Sidman, hereby declare and state as follows under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct:

1. I am a member of the law firm of Jones Day and counsel for Defendant Wells Fargo Bank, N.A. in the above-referenced action. I submit this declaration in further support of Defendant's Motion to Dismiss for Failure to State a Claim in this matter (the "Motion").

2. Annexed to this declaration as Exhibit A is a true and correct copy of the Amended and Restated Trust Agreement for Trust Certificates for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, dated September 20, 2005.

3. Annexed to this declaration as Exhibit B is a true and correct copy of the Prospectus Supplement for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, Series 2005-3, dated September 19, 2005.

4. Annexed to this declaration as Exhibit C is a true and correct copy of the Tax Opinion for the American Home Mortgage Investment Trust 2005-3, Mortgage-Backed Notes, Series 2005-3, dated September 20, 2005, by Thacher Proffitt & Wood LLP.

5. Annexed to this declaration as Exhibit D is a true and correct copy of the United Food & Commercial Workers Unions & Employers Midwest Pension Fund's ("UFCW") Form 5500 for the year beginning December 1, 2015.

6. Annexed to this declaration as Exhibit E is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2014.

7. Annexed to this declaration as Exhibit F is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2013.

8. Annexed to this declaration as Exhibit G is a true and correct copy of UFCW Plan's Form 5500 for the year beginning December 1, 2012.

Executed on July 13, 2018

/s/ Howard F. Sidman

Howard F. Sidman

CERTIFICATE OF SERVICE

I certify that on July 13, 2018, I caused the forgoing to be served to all counsel of record via ECF.

/s/ Howard F. Sidman _____
Howard F. Sidman